

## **REMARKS**

### **I. Introduction**

Claims 1 to 12 are pending in the present application. In view of the foregoing amendments and the following remarks, it is respectfully submitted that all of the presently pending claims are allowable, and reconsideration is respectfully requested.

### **II. Statement of Substance of Telephone Interview**

As an initial matter, Applicants note with appreciation the courtesies extended by Examiner Lau during the course of the telephone interview conducted on November 15, 2005 with Applicants' representatives, Clifford Ulrich (Reg. No. 42,194) and Michael Paul (reg. No. 53,443).

During the course of the interview, no exhibit was shown, and no demonstration was conducted.

During the course of the interview, claims 1, 11 and 12 were discussed.

During the course of the interview, U.S. Patent No. 6,249,359 ("Aoki et al.") was discussed.

During the course of the interview, the principal proposed amendments of a substantive nature discussed included a recitation in claims 1, 11 and 12 of position dependent scanning signals of an incremental display for measuring positions, the incremental position transducer including a periodic scale structure scanned by a scanning unit.

During the course of the interview, the general thrust of the principal arguments of the Applicants included the lack of disclosure by Aoki et al. of position dependent scanning signals of an incremental display for measuring positions, the incremental position transducer including a periodic scale structure scanned by a scanning unit.

The general result of the interview was that it was generally agreed that Aoki et al. do not appear to disclose position dependent scanning signals of an incremental display for measuring positions, the incremental position transducer including a periodic scale structure scanned by a scanning unit.

Attached are copies of fax communications between Michael Paul and Examiner Lau dated November 11, 2005 and November 15, 2005.

### **III. Allowable Subject Matter**

Applicants also note with appreciation the indication of allowable subject matter contained in claims 2 to 5. In this regard, the Examiner will note that each of claims 2, 4 and 5 has been rewritten herein in independent form to include all of the limitations of its respective base claim. Claim 3 depends from claim 2. It is therefore respectfully submitted that claims 2 to 5 are in condition for immediate allowance.

### **IV. Information Disclosure Statement**

As regards the contention that a copy of German Published Patent Application No. 197 12 622 cited in the Information Disclosure Statement filed on September 22, 2003 is missing from the application file, the Office's PAIR system indicates that the foregoing citation was indeed received by the Office, and a copy of that citation as submitted is readily available via the "Image File Wrapper" function of the PAIR system for the present application. Nevertheless, a Supplemental Information Disclosure Statement is submitted herewith along with an additional copy of previously-submitted German Published Patent Application No. 197 12 622 and a copy of the previously-filed English-language abstract thereof.

### **V. Rejection of Claims 1 and 6 to 12 Under 35 U.S.C. § 102(b)**

Claims 1 and 6 to 12 were rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 6,249,359 ("Aoki et al."). Claims 1, 11 and 12 have been amended. Support for amended claims 1, 11 and 12 is found at least on page 1, lines 13 to 19. Applicants respectfully submit that Aoki et al. do not anticipate the present claims as amended herein for at least the following reasons.

Claim 1 as presented relates to a method for correcting position dependent scanning signals of an incremental position transducer for measuring positions, which includes a periodic scale structure scanned by a scanning unit, the position dependent scanning signals having deviations from ideal signals expected by a downstream evaluation unit, the method including feeding the position dependent scanning signals of the position transducer to a correction unit in response to a signal request, linking the position dependent scanning signals in the correction unit to correction data generated in accordance with active values of the scanning signals, and exclusively feeding scanning signals for generating correction

data to the correction unit for at least one predefined time segment following each request of new scanning signals to be corrected

It is respectfully submitted that Aoki et al. do not disclose, or even suggest, a method or device for correcting position dependent scanning signals of an incremental position transducer for measuring positions for which a periodic scale structure is scanned by a scanning unit, the position dependent scanning signals having deviations from ideal signals expected by a downstream evaluation unit, as recited by the present claims. In particular, Aoki et al. do not disclose the recited features of feeding or linking position dependent scanning signals of an incremental position transducer. Indeed, Aoki et al. do not in any manner pertain at all to incremental position encoders. Rather, Aoki et al. pertain to an image scanning device, which is a completely different technology than the claims of the present application. That is, generating and correcting an optical image, as discussed by Aoki et al., is completely different from correcting position dependent scanning signals of an incremental position transducer, as recited by the present claims. Thus, it is respectfully submitted that the Aoki et al. do not anticipate the present claims for at least these reasons.

In view of all of the foregoing, withdrawal of this rejection is respectfully requested.

## VI. Conclusion

It is therefore respectfully submitted that all of the presently pending claims are allowable. All issues raised by the Examiner having been addressed, an early and favorable action on the merits is earnestly solicited.

Respectfully submitted,

Date:

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By:

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